

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

FENTON J. CARSTARPHEN,

Petitioner,

v.

BRUCE DAVIS,

Respondent.

Civil Action No. 24-8329 (KMW)

**MEMORANDUM ORDER**

This matter comes before the Court on Petitioner's application to proceed *in forma pauperis* on appeal in this habeas matter. (ECF No. 15.) Pursuant to Federal Rule of Appellate Procedure 24(a)(1), this Court may grant a petitioner *in forma pauperis* status on appeal only where the petitioner shows, in the detail required by Form 4 of the Appendix of Forms, that he is unable to pay or to give security for the fees and costs on appeals, and states the issues that he intends to present on appeal. Under Local Appellate Rule 24.1(c), however, in those cases where 28 U.S.C. § 1915(b) does not apply, such as in the habeas context, those prisoners seeking to appeal *in forma pauperis* must also file "an affidavit of poverty in the form prescribed by the Federal Rules of Appellate Procedure accompanied by a certified statement of the prison account statement(s) (or institutional equivalent) for the 6 month period preceding the filing of the notice of appeal."

Although Petitioner in this matter has provided the list of issues he intends to present on appeal and an affidavit purporting to show Petitioner's indigence, Petitioner has not provided a certified account statement as required by L.A.R. 24.1(c). Instead, Petitioner has provided only a document requesting an inmate account statement from his prison that Petitioner appears to have

filled out on February 28, 2025, which does not appear to have ever been submitted to New Jersey State Prison as it is not marked with a date of receipt or processing on the sections of the form provided for that purpose. (See ECF No. 15-2 at 1.) Because Petitioner has not provided the required account statement, and has not shown that he has been improperly denied the account statement by the prison in which he is housed, Petitioner has failed to meet the requirements of Local Appellate Rule 24.1(c), and his application must therefore be denied without prejudice at this time.

**IT IS THEREFORE** on this 16<sup>th</sup> day of May, 2025,

**ORDERED** that the Clerk of the Court shall **RE-OPEN** this matter for the purpose of this Order only; and it is further

**ORDERED** that Petitioner's application seeking leave to proceed *in forma pauperis* on appeal (ECF No. 15) is **DENIED WITHOUT PREJUDICE**; and it is further

**ORDERED** that the Clerk of the Court shall provide Petitioner with a blank copy of an Affidavit Accompanying Motion for Permission to Appeal In Forma Pauperis<sup>1</sup>; and it is further


**ORDERED** that Petitioner is given leave to file another application for leave to proceed *in forma pauperis* on appeal within thirty (30) days of the date of this order; and it is further

**ORDERED** that if Petitioner wishes to refile his application for leave to proceed *in forma pauperis* on appeal, he must do so by filing a new application accompanied by an affidavit setting forth his indigence in the required detail, and a certified six-month prison account statement from the facility in which he is detained; and it is finally

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<sup>1</sup> See [http://www2.ca3.uscourts.gov/legacyfiles/ifp\\_affidavit.pdf](http://www2.ca3.uscourts.gov/legacyfiles/ifp_affidavit.pdf).

**ORDERED** that the Clerk of the Court shall serve a copy of this Order on Petitioner by regular U.S. mail and shall **CLOSE** the file.



Hon. Karen M. Williams,  
United States District Judge